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SENSITIVE
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TAGS: [PHUM](#) [KTIP](#) [PGOV](#) [KWMN](#) [ELAB](#) [SMIG](#) [ASEC](#) [MD](#)
SUBJECT: MOLDOVA: NINTH ANNUAL TRAFFICKING IN
PERSONS (TIP) REPORT

REFS: A. 08 STATE 132759, B. 08 Chisinau 1277

1. (SBU) Post's responses to Ref A's questions are given below.

2. (SBU) Ref A Question 23 A. What is (are) the source(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

3. (SBU) Sources of available information are the Government of Moldova (GOM), NGOs such as La Strada, and the International Organization for Migration (IOM). Data from these sources are trustworthy, although often difficult to compare because they use different categories of information. The GOM has improved its organization of data in the second half of 2008 to include information on people sentenced for trafficking and related offenses. See paras. 142-144 for the latest update.

4. (SBU) The GOM's record-keeping on criminal cases is poor, though it has improved this past year, thanks to efforts by prosecutors to uncover links buried in thousands of separate, hard-cover files, and update us regularly with the results of their investigations. Moldova has no automated case-tracking system; records are entered on file cards, which are stored in thousands of boxes, and in file folders which are scattered throughout different ministries. Statistics about trafficking are therefore limited and much of what is reported is conjecture. The most accurate reporting appears to be in the area of convictions.

5. (SBU) In addition to difficulties with record-keeping, the GOM's byzantine organizational structure means that multiple agencies address the same issue, without coordinating their efforts. An individual is investigated for trafficking by separate agencies, yet prosecuted and convicted only by the Ministry of Justice. Since different agencies report their own investigative records, often with only statistics and excluding names of

suspects, the GOM is unable to determine accurately the percentage of eventual convictions such investigations yield. The reporting that we have received, which is made in the face of such obstacles, reflects considerable effort by the GOM to meet our requirements.

¶6. (SBU) In addition to the difficulties mentioned above, figures for the number of trafficking victims can only be estimated. Under the common assumption that 70 percent of cases go unreported, IOM's figure of 2,286 victims assisted between 2000 and 2007 translates to 7,620 victims, or slightly less than 1 percent of the 1.0 to 1.1 million Moldovans working abroad, according to a 2008 Gallup poll extrapolation.

¶7. (SBU) Information on trafficking from IOM was perhaps the most reliable as to the numbers and demographics of victims. In May 2007, the International Center for Migration Policy Development (ICMPD) conducted a survey on anti-trafficking efforts in Moldova, following which the Ministry for Social Protection, Family, and Child (MSP) assumed responsibility for the national victim-centred database. In December 2007, the ICMPD delivered a computer and software for use by the National Coordinating Unit in the MSP, which coordinates all data collection for the National Referral System.

¶8. (SBU) The Center for Combating Trafficking in
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Persons (CCTIP) and the Prosecutor General's Office (PGO) kept records of the trafficking cases they worked with. The OSCE kept comprehensive information on organizations providing assistance. The Center for Prevention of Trafficking in Women (CPTW) also provided information on repatriated victims and legal services that have been provided to them, but this information was sporadic. OSCE, the American Bar Association's Central European and Eurasian Law Initiative (ABA-CEELI), and the Embassy's Resident Legal Advisor (RLA) remained the best sources for information on legislative reform in the trafficking area.

¶9. (SBU) Ref A Question 23 B: Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Does trafficking occur within the country's borders? If so, does internal trafficking occur in territory outside of the government's control (e.g., in a civil war situation [sic])? To where are people trafficked? For what purposes are they trafficked? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g., changes in destinations)?

¶10. (SBU) Moldova is primarily a country of origin. As Ref B notes, the crime of trafficking per se occurs mostly outside the borders of the country, after potential victims are lured abroad (mostly by friends or relatives), or make the decision to accept what they know to be high-risk employment. Increasingly we hear reports of a new pattern of trafficking in which, instead of traffickers luring girls abroad, victims who have gone abroad voluntarily to seek employment are entrapped when they arrive elsewhere. In such cases no criminal actions take place within Moldova, and the entire crime takes place in the destination country.

¶11. (SBU) Moldova remained a source country for trafficked persons, particularly women and girls; the approximately one percent of the population working abroad that has been trafficked is a relatively low per capita number. It is also to a lesser extent a transit country, and there are some reported cases of internal trafficking, often of girls from rural areas, to the capital Chisinau. Only isolated cases of trafficking to Moldova as a destination country have been reported.

¶12. (SBU) Moldovan victims are attracted to Russia and countries of the Middle East. Turkey remained the leading destination country in 2008, partly because of the large number of non-stop flights between Chisinau and Istanbul, and the availability of airport visas upon arrival for Moldovan citizens. IOM reported that Moldova continued to emerge as a hub for trafficking because of corruption, and the ease with which real or fake documents can be produced in Moldova. Sex tourism exists, but no statistics are available. Because of the ease of travel, and the efforts of particular travel organizations, clients for sex tourism usually came from Turkey.

¶13. (SBU) Child sex tourism does not appear to be a serious problem in Moldova. Post is unaware of any, small or large, commercial endeavors which involve child sex crimes save one. Post is following an ongoing investigation between a Western European country and the GOM involving the distribution of child pornography via the Internet. While there is no confirmation that these images were produced in Moldova, the

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supposition seems reasonable since the target of this investigation lives and works in Moldova. Current information suggests this person acted alone and is not a member of an organized crime network. The governments of Moldova and the Western European country are investigating this possibility and our Embassy remains ready to assist.

¶14. (SBU) Occasionally Post becomes aware of cases of pedophiles traveling to Moldova individually to exploit children. Such a case yielded a U.S. conviction in 2007. Post remains involved in investigating one ongoing case and believes the GOM would immediately communicate to the Embassy any further cases which might become known.

¶15. (SBU) While Post has seen several instances of children being smuggled outside of Moldova in the past few months, all of these incidents were humanitarian family-reunification cases in which Moldovan parents, working illegally outside of Moldova (not trafficked), had been arranging for their children to be transported to them. None of these cases appears to be utilizing child sex tourism networks. Post remains vigilant in investigating the possibility of trafficking in Moldovan children.

¶16. (SBU) Ref A Question 23 C. What kind of conditions are the victims trafficked into?

¶17. (SBU) Ref B noted that conditions of servitude seem to have improved. We are witnessing a new pattern in trafficking. Increasingly, young women are "persuaded" into prostitution as part of a debt-bondage scheme, not beaten, permitted to keep

some of the money they earn, and allowed to telephone home. They frequently can purchase their own freedom by recruiting a friend or relative to take their place. Men offered apparently legitimate jobs and working in the construction industry abroad are frequently underpaid, or not paid at all, and threatened with exposure to the police if they fail to cooperate. (Note: These descriptions are anecdotal and based on the small number of victims of trafficking available for data collection. End note.)

118. (SBU) Ref A Question 23 D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g., women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

119. (SBU) According to the IOM and La Strada interlocutors in ref B, young women with poor educational levels, low intelligence, and no job prospects, living in bleak, economically depressed rural areas, are the most vulnerable.

120. Ref A Question 23 E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends? What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

121. (SBU) Perpetrators of TIP in Moldova can be divided into two groups: direct perpetrators and agents of trafficking. Direct perpetrators are criminals who themselves forcefully or

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fraudulently compel individuals to work in conditions of involuntary labor. The actual crime of trafficking, the moment at which force or threats compel the victim to do the bidding of the trafficker, is occurring mostly outside of Moldova. We know of recruitment in Moldova which involves single men persuading individual women to travel aboard for work in the commercial sex industry. This recruitment becomes trafficking when the women, through fraud or compulsion exercised by the recruiter, travel to another country and then work under duress. Presumably the same technique might be used to recruit persons directly for other types of labor. We are unable to determine the extent or direction of this trafficking method, as existing reporting is anecdotal, and we cannot tell whether trafficking for eventual work in the sex trade is the most common. If the victim chooses to leave Moldova willingly to work in the sex industry, then no crime has taken place within Moldova's borders.

122. (SBU) Also present is agency trafficking, in which a firm or individual in a foreign country engages someone to recruit multiple victims in Moldova. These agents are often perpetrators of "happy trafficking," the phenomenon of friends or acquaintances recruiting persons in Moldova in exchange for release from the agent's own peonage in the other country. In a typical scenario, an employment company in a foreign country would charge a current trafficking victim with returning

to Moldova to recruit one or more victims. After being convinced that payment and terms are adequate, those future victims move to the agent's former country, where they are then compelled to work. In exchange, the agent receives release from debts owed or other considerations.

¶23. (SBU) Major transnational organized crime syndicates do not appear to be significant, direct actors in TIP in Moldova. In the early part of this decade, the GOM initiated a broad effort against organized crime. It appears that the most nefarious forms of organized crime--trafficking in persons and dangerous goods, kidnapping for ransom, and extortion through violence--are far less common in Moldova than in neighboring countries. While Moldovan citizens might fall victim to organized crime trafficking networks outside of their country, such organizations do not appear to be operating in force in Moldova.

¶24. (SBU) An important side note here is the possible use of online social networking sites. Awareness and use of the Internet among young urban Moldovans appears high; information technology is a mandatory subject at the high school level. Solitary persons, or possibly organized groups, seeking to recruit potential trafficking victims could use these sites to make contacts with Moldovans without ever entering the country. This method could be available to both direct perpetrators and agents of trafficking. Given the lack of direct evidence, we can make no conclusions regarding the extent of online recruiting.

¶25. (SBU) Ref A Question 24 A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

¶26. (SBU) The Government's stated, official approach toward anti-trafficking efforts is one of strong commitment. Foreign governments, NGOs, and the international media pressure the GOM to make public statements conceding a serious TIP problem. Responding to these pressures and his own concerns, the President himself has made public

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statements about the government's commitment to fighting trafficking. Our meetings with Moldovan officials are consistently marked by their expressed concern to reduce TIP; GOM officials respond positively to our requests for information, as noted in paras. 4 and 5 above. Continued foreign assistance is contingent on such statements followed by actions. GOM institutions dealing with TIP (particularly the MSP and CCTIP) describe the problem of TIP as difficult to overcome. The GOM works officially to address TIP, yet existing problems such as corruption and a lack of resources undermine these efforts.

¶27. (SBU) Many police contacts, including sources outside of the capital, state that the GOM's stress on the importance of counter-TIP efforts comes at the expense of other, often TIP-related law enforcement efforts. For example, domestic abuse and alcoholism, which appear disturbingly common throughout Moldova, are difficult to investigate because authorities lack vehicles to transport officers to crime scenes expeditiously. GOM efforts to make the broad, societal improvements which would address the root causes of TIP, according to these sources, are inhibited by the skewing of resource allocations to TIP-

related activities.

¶28. (SBU) Corruption is rampant throughout Moldova, but we are unable to determine to what extent this problem facilitates TIP. It would appear to at least make the practice easier and at worst to act as a strong motivation to participate in it.

¶29. (SBU) Ref B Question 24 B. Which government agencies are involved in anti- trafficking efforts and which agency, if any, has the lead?

¶30. (SBU) We are seeing some progress towards the GOM's assumption of responsibilities which are the monopoly of government: investigation, arrests, inter-agency cooperation, and case management. However, prosecution efforts, especially those which should be directed at high officials who might be complicit in trafficking, continue to lag. At this point, given the changing nature of trafficking recruitment we cannot even be sure that there are high-level officials involved in the trafficking effort. All GOM actions in combating TIP are institutionally centered at the CCTIP, the lead GOM lead agency in anti-TIP efforts. In 2008, the CCTIP was restructured, with eight officers assigned to regional coordination centers in the north and south of the country. In each raion, one or two police officers are detailed to report to CCTIP coordination officers. The GOM individual responsible for coordinating TIP-reduction efforts is Deputy Prime Minister Valentin Mejinshi.

¶31. (SBU) The government, at the national and local level, used the National Referral Mechanism to coordinate prosecution, protection and prevention. Government-appointed social workers and teachers, working with religious leaders, NGOs and National Referral system multi-disciplinary teams, were involved in prevention of trafficking and giving assistance to victims. In mid-2007, the Ministry of Social Protection, Family, and Child (MSP) began to co-chair with the OSCE Mission the monthly Technical Coordination Meetings (TCMs). At TCMs, NGOs, the government, international organizations, and foreign embassies make presentations on their work and coordinate efforts.

¶32. (SBU) At the end of 2006, the Ministry of

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Foreign Affairs and European Integration opened information centers on trafficking in persons in Moldovan embassies abroad, appointed counter-trafficking focal points at Moldovan diplomatic missions in major destination countries, and provided training for these individuals. Efforts abroad focus on identifying victims and providing services, including repatriation to victims who seek assistance. Victims whose passports have been confiscated may still be repatriated if the consular officer can identify them as Moldovan citizens. The National Committee has the lead role in reviewing the government's anti-trafficking efforts, and it continued to hold meetings, which were open to NGOs and the international community. Representatives from various ministries, raions (districts) and civil society make presentations on their efforts at these meetings. In 2007, three National Committee meetings were conducted in urban hubs to accommodate as many regions as possible; information on GOM anti-trafficking efforts is

posted on the Ministry of Interior website, and disseminated in the print media and on national and regional television and radio. According to the latest information available on the OSCE's anti-trafficking website (www.atnet.md), one National Committee meeting took place in 2008, on July 30 in Chisinau.

¶33. (SBU) The following government agencies were involved in anti-trafficking efforts: the National Committee to Combat Trafficking in Persons (to be headed by a deputy prime minister, according to law); the inter-agency task force CCTIP; the Ministry of Justice; the Ministry of Internal Affairs (MOI); the Ministry of Foreign Affairs and European Integration; the Ministry of Education, Youth and Sports; the Migration Bureau of the MOI; the Ministry of Health, the Ministry of Social Protection, Family and Child; the Ministry of Economy and Trade; the Customs Service; the National Tourism Agency; the Information and Security Service; the Statistics and Sociology Department; the Information Development Ministry (passport authority); the Border Guards Service; the Center for Combating Economic Crime and Corruption; the Licensing Chamber; and the Prosecutor General's Office. The CCTIP has the lead in coordinating and leading GOM efforts against TIP. The Ministry of Interior and the National Committee to Combat Trafficking in Persons are responsible for developing anti-trafficking programs within the government.

¶34. (SBU) The Ministry of Foreign Affairs and European Integration; the Intelligence and Security Service; the Ministry of Interior; the Border Guard Service; and the National Migration Bureau are required to take necessary actions to forbid the presence in Moldova of foreign citizens and stateless persons, when there is accurate information that they are traffickers in human beings. Also, the Ministry of Foreign Affairs and European Integration organizes and participates in negotiations aimed at signing international treaties with other states and international organizations in the field of trafficking in human beings, as well as through granting assistance and protection to trafficked persons abroad.

¶35. (SBU) The Border Guard Service is required to prevent and combat trafficking in human beings through prevention, detection, and deterrence of attempted border crossings by traffickers in human beings, as well as illegal border crossings of the state border by victims of trafficking in human

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beings.

¶36. (SBU) MSP, with the assistance of the National Employment Agency, publishes information on the situation in the labor market, vocational training programs, and incentives for employment, by offering labor mediation services, professional information and counseling, vocational orientation and training, as well as consultations and assistance in starting a business activity.

¶37. (SBU) The Ministry of Education, Youth and Sports, in cooperation with other interested ministries, local public administration authorities, and non-governmental organizations working in this field, develops educational and training programs for

teachers, parents, children, and at-risk groups aimed at eliminating all the causes and conditions that foster trafficking in human beings, especially in women and children.

¶38. (SBU) The Ministry of Information Development ensures the identification of victims of trafficking in human beings and issues residence permits or identity cards to victims of trafficking in human beings who are foreign citizens or stateless persons, when their stay in Moldova is necessary because of their personal circumstances or their participation in criminal proceedings against the trafficker. We have no record of such cases occurring in 2008.

¶39. (SBU) The Ministry of Economy and Commerce, together with other interested ministries and departments, develops and implements socio-economic programs aimed at the removal of the economic causes and conditions encouraging illegal migration, including trafficking in human beings.

¶40. (SBU) Ref A Question 24C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

¶41. (SBU) If the solution to trafficking in Moldova is a modern, well-funded State-led initiative against the practice, then Moldova is significantly behind where it needs to be to meet that goal. Salaries for Moldovan law enforcement and judiciary officials are appallingly low, not only making them vulnerable to corruption, but in many cases compelled to seek extra sources of income. The typical officer, with three family members to care for and a home to keep, cannot provide for his family on his official salary. Officials of the Center for Combating Trafficking in Persons (CCTIP), however, earn higher salaries than their colleagues in the Ministry of Interior. We are aware of widespread official corruption but are uncertain its true extent or nature. Sources have reported that officers generally avoid the most offensive and most egregious types of bribery, out of some sense of integrity and a fear of reprisal.

¶42. (SBU) Existing law enforcement resources are also a problem. CCTIP, for example, was founded with U.S. assistance, but was to be maintained by the GOM. However, two years after the formal establishment of the Center, the facility receives only salaries, space, and stationery from the Government. The Center has to scrounge for funds to cover its ongoing operational costs: office supplies, vehicles, cellular phones, other equipment and training. The USG provides some

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assistance in the form of vehicles, equipment and training.

¶43. (SBU) Other law enforcement entities with direct involvement in counter-trafficking efforts are even less adequately equipped. The Ministry of Interior's Department of Operative Services conducts the majority of felony-level investigations in Moldova. Operative Services relies heavily on twenty-four vehicles donated by the USG, and is often lacking even the most rudimentary financial support. For example, when Operative Services sought to infiltrate a

nefarious goods trafficking ring and required \$5,000 to carry out a buy/bust operation, they solicited foreign embassies for assistance.

¶44. (SBU) Sex trafficking and conventional labor trafficking continue despite Moldovan law enforcement efforts. The conventional wisdom is that trafficking thrives in Moldova because law enforcement is corrupt and benefits from trafficking. It appears, though, that despite Moldovan officers' willingness to accept bribes, trafficking continues not because the police are corrupt or incompetent, but because a modern and effective police force, capable of thwarting traffickers, still does not exist in Moldova.

¶45. (SBU) In both the areas of sex trafficking and trafficking for labor, most of the fraud which allows persons to travel illegally to other countries does occur in Moldova itself. However, the coercion which sends victims into peonage or forced labor is subsequent to the fraud, and is usually carried out abroad. Since the fraud is not perpetrated on a visible level, such as in the mid-nineties when women were violently taken out of Moldova, it is difficult for Moldovan law enforcement to investigate.

¶46. (SBU) Today's direct traffickers are not shackling women and putting them in buses against their will. They are approaching girls at nightclubs and strip bars, buying those women drinks, taking them to dinner, and slowly persuading them to come with them to Dubai or Nicosia, ostensibly to work as waitresses (or other seemingly innocuous positions). These direct recruiters make false promises and thus commit fraud, but generally they are not committing the crime of trafficking in Moldova. Additionally, if they come to Moldova once every few years, Moldovan law enforcement will have a hard time spotting them.

¶47. (SBU) Agent traffickers are equally difficult to investigate and prosecute. Often they are friends or relatives (increasingly women) who send a contact outside Moldova, where that person is then subject to abuse. It is possible for Moldovan law enforcement to investigate and prosecute an individual who misrepresents working conditions to an acquaintance since that individual is likely Moldovan and resident in Moldova. But these are cases which end with the arrest of that individual low-level Moldovan. The true perpetrators of the crime of trafficking are not in Moldova. They are the construction firm or nightclub owner in Tel Aviv, for example, on behalf of whom the Moldovan recruiter is working. The leader of the enterprise is a suspect in another country, not a criminal operator based in Chisinau. Similarly, law enforcement can infiltrate a travel agency which misrepresents factory jobs in Istanbul, but unless that company is tied to a large organization, the success ends with the prosecution of the travel agency for fraudulent documents, for example.

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¶48. (SBU) We note again that we do not see the presence of large international networks recruiting in Moldova and therefore would expect that Moldovan law enforcement's most frequent successes would be against direct and not agency traffickers. The likelihood of modernizing the Moldovan law enforcement institutions to the point

that they could successfully penetrate and eliminate most or all of these small, personalized networks is extraordinarily low. Law enforcement agencies in the United States and Western Europe struggle to eliminate such problems themselves.

¶49. (SBU) However, the government's failure to undertake prosecution of a government official allegedly complicit in trafficking remains a problem, and contributed to Moldova's placement on Tier Three in 2008. Statistics on the GOM website (www.gov.md) for social protection and prosecutions for crimes cover only the period from 1999 through 2006, and list only the following crimes: thefts, robberies and brigandage, murder, premeditated severe bodily injury, rape, narcotics offenses, and hooliganism.

¶50. (SBU) The GOM's efforts against TIP contrast with the apathy shown by left-bank Transnistrian authorities, especially at the higher levels of administration, to the NGOs that assist with anti-trafficking efforts. According to NGOs on the left bank, Transnistrian authorities neither assist nor hinder their work.

¶51. (SBU) Corruption continued to pervade all sectors of Moldovan government and society. There are no hard numbers on the extent to which government officials are complicit in trafficking crimes. Most of these reports were limited to low-level officials. During 2007, the CCTIP reported eight bribery attempts of its officers by suspects seeking to have cases closed or dismissed. In 2008, two of these bribery cases were still in court proceedings; in the other six cases the defendants were convicted and fined from MDL 15,000 (\$1,414) to MDL 35,000 (\$3,300.)

¶52. (SBU) Ref A Question 24 D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

¶53. (SBU) The GOM's institutional incapacity, and the historical Soviet mindset that information is to be hoarded within separate agencies, have created a situation in which the GOM has not been able to pull together a comprehensive statistical and narrative analysis showing all its efforts and all its results in prevention, protection, prosecution, and incarceration. The creation of the CCTIP reflects a government effort to have a more centralized and more systematic approach to carrying out and monitoring its anti-trafficking efforts.

¶54. (SBU) Ref A Question 25A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons--both for sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language [actual copies preferable] of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws

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and laws against illegal debt). Does the law(s) cover both internal and transnational forms of

trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

¶55. (U) In 2005, Parliament passed a new law to address comprehensively all aspects of the crime of trafficking. In 2007, the government made a series of efforts to implement the law. The IOM reported that the MSP had provided staff and facilities to assist victims of trafficking. At the end of 2007 the MSP committed 512,000 Moldovan lei (approximately USD 44,300) from its budget to fund the activities of the Chisinau Rehabilitation Center in 2008. See para. 98 for updated budget allocations.

¶56. (U) In June 2005, Parliament passed an amendment to the Law on Employment and Social Protection, which now allows all categories of vulnerable youth from 16 to 18 years of age (graduates of residential institutions, orphans, children without parental care, children from one-parent families, victims of trafficking, disabled persons, persons released from penitentiaries and beneficiaries of rehabilitation institutions) to receive government benefits. Before this amendment, children between the ages of 16 and 18 were no longer covered by the educational and housing services of the Ministry of Education, but were not yet entitled to receive the benefits provided by the Ministry of Economy and Trade, such as unemployment or vocational training.

¶57. (U) Trafficking in persons was criminalized under Moldovan law in August 2001. In 2005, amendments to the Criminal Code made the victim's consent to being trafficked irrelevant. In addition, the anti-trafficking legislation was complemented by passage of a comprehensive law on the prevention and combating of trafficking in persons that came into effect in December 2005. The government worked closely with the international community on the law, which was studied and approved by the OSCE and the Council of Europe. The law includes a definition of trafficking that is fully consistent with the Palermo Protocol. The law exempts victims from criminal prosecution for illegal acts committed during the trafficking experience, without preconditioning this exemption on the victim's willingness to cooperate with law enforcement authorities, as the previous legislation stipulated. The law also institutes a "reflection period" of 30 days, during which time a victim can decide whether he/she will cooperate with law enforcement in any criminal proceedings against his/her traffickers. Furthermore, the law establishes obligations of central and local public authorities with regard to combating trafficking and assisting victims of trafficking. For example, the Ministry of Foreign Affairs and European Integration has been appointed as the main governmental agency responsible for coordinating the repatriation of victims.

¶58. (U) The articles in the current criminal code on trafficking in persons and trafficking in children include the following provisions. (Note: the Law on Preventing and Combating Domestic Violence was enacted on March 18, 2008 taking effect after six months on September 18, 2008. End note.)

Begin text:

Article 165. Trafficking in human beings, which comprises

(1) Recruitment, transportation, transfer, harboring or acceptance of a person for purposes of commercial or non-commercial sexual exploitation, forced work or services, slavery or any forms of servitude, use of persons in armed conflicts, transplantation of organs, or tests on human beings, as well as for use of persons in criminal activities, committed through:

- a) Threatening or use of physical violence not dangerous for life and health of the person, including that through kidnapping, seizure of documents, and servitude, in order to return debts, the limits and size of which are not set in a reasonable mode;
- b) Deception;
- c) Abuse of power, payment or receipt of charges or benefits, in order to get consent of a person who controls other persons, or abuse of vulnerability,

is punished with imprisonment from seven to fifteen years.

(2) Actions listed in paragraph (1) of this article that were:

- a) Committed repeatedly;
- b) Against two or more persons;
- c) Against pregnant women; committed
- d) By two or more persons
- f) By a public servant or a senior public servant;
- g) By use of torture, inhuman treatment, or degrading treatment in order to place persons under control either through violence, rape, physical dependence, use of weapons, threat of disclosure of confidential information of the person's family, or other persons, as well as through other means,

are punished with imprisonment from ten to twenty years.

Legal entities can be fined 100,000 to 140,000 lei (approximately USD 10,000 to 14,000).

(3) Actions named in paragraphs 1 and 2 of this article:

- a) Committed by an organized criminal group or criminal organization;
- b) Resulting in death or serious bodily or mental injuries to a person,

are punished with imprisonment from fifteen to twenty-five years or with life imprisonment.

Article 206. Trafficking in children

(1) Recruitment, transportation, transfer, harboring or acceptance of a child or renting, receiving payments or benefits for obtaining consent of a person who controls the child for purposes of:

- a) Commercial or non-commercial sexual exploitation,
- b) Forced labor or services;
- c) Slavery or any forms of servitude, including illegal adoption;
- d) Use of a child in armed conflicts;
- e) Use of a child in criminal activities;
- f) Transplantation of organs, or tissues for transplant;
- g) Abandoning him/her abroad,

is punished with imprisonment from ten to fifteen years.

(2) Actions listed in paragraph (1) of this article, accompanied by:
a) Use of physical or psychological violence

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against a
child;
b) Sexual abuse of the child, commercial or non-commercial sexual exploitation;
c) Use of torture, inhuman treatment, or degrading treatment in order to ensure subordination of the child
either through violence, rape, physical dependence, use of weapons, threat of disclosure of confidential information
of the child's family, or other persons;
d) Enslavement, or conditions similar to slavery;
e) Use of the child in armed conflicts;
f) Transplantation of organs or tissues for transplant,
are punished by imprisonment from fifteen to twenty years.

(3) Actions listed in paragraphs 1 and 2 of this article:

a) Committed repeatedly;
b) Committed against two or more children;
c) Committed by an organized criminal group or criminal organization;
d) Resulting in death or serious bodily or mental injuries of a child,
are punished with imprisonment from twenty to twenty five years or life imprisonment.

¶59. (SBU) Ref A Question 25B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

¶60. (U) In December 2005, the Criminal Code was amended to allow the prosecution of those who organize illegal migration. In addition, Moldova has criminal code articles on forced labor, slavery and slavery-like conditions, illegal transport of children out of the country (art. 206 CC), and forced removal of organs or tissues to be used in transplant operations (art. 158 CC). (Note: The Kidney Foundation of Moldova reported that, according to its knowledge, 32 people were trafficked from Moldova for organ retrieval in ¶2007. Updated data for 2008 are not yet available. End note.) In 2007, authorities used these anti-trafficking articles, and preexisting anti-trafficking laws, in criminal cases. They also targeted suspected traffickers with criminal charges of pimping and document forging. All of these laws cover both internal and external trafficking. The penalty for trafficking varies from seven years to life in prison.

¶61. (SBU) Ref A Question 25C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment (i.e., jail time) for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country? If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents

for the purpose of trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

¶62. (U) The Moldovan Criminal Code under the Trafficking in Persons section also defines "the recruitment, transportation, transfer, harboring

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or receipt of a person for the purpose of labor exploitation or services, in slavery or similar conditions." Moreover, Moldova as a source country incriminates forced or bonded labor and slavery and conditions similar to slavery as separate distinctive crimes and provides for jail time. Hence, if a person is charged with trafficking in persons for forced labor, besides trafficking charges the labor recruiter may face additional charges on forced labor or slavery. Upon sentencing, the courts cumulate the penalty prescribed for trafficking in persons (minimum: 7 years of imprisonment and maximum: life detention) with the one prescribed for forced labor (minimum: fine or 3 years of imprisonment and maximum: 10 years of imprisonment). The penalties imposed for trafficking in persons for forced labor vary from 7 to 12 years or from 15 to 22 years of imprisonment.

¶63. (SBU) Ref A Question 25D. What are the prescribed penalties for rape or forcible sexual assault? (Note: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)."
End note.)

¶64. (U) The Moldovan Criminal Code stipulates that the penalty for rape or forcible sexual assault ranges from three years of imprisonment up to life imprisonment when the crime is committed in aggravating circumstances. For trafficking in persons, the lowest penalty is seven years of imprisonment, which is a higher jail term than for the lowest penalty for rape. The highest penalty is the same for both crimes--life imprisonment. According to the criminal statute, both crimes are considered as exceptionally grave and the penalties prescribed for trafficking are commensurate with or even higher than for forcible sexual assault.

¶65. (SBU) Ref A Question 25 E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees

or commissions for the purpose of subjecting the worker to debt bondage? Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? What were the actual punishments imposed on persons convicted of these offenses? Are the traffickers serving the time sentenced? If

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not, why not?

¶66. (SBU) In 2008, CCTIP released statistics regarding the number of cases opened, number of cases sent to the courts and number of convictions that carry penalties:

--Number of cases opened: TIP Q 215; Trafficking in children Q 31; Taking children out the country illegally Q 18; Pimping Q 161; Illegal migration 117;

--Number of cases sent to court: TIP Q 96; Trafficking in children Q 31; Taking children out the country illegally Q 3; Pimping Q 128; Illegal migration: 56

--Number of convictions that carry penalties: TIP and Trafficking in children -58 sentenced to imprisonment from 7 to 23 years.

¶67. (SBU) The CCTIP and Ministry of Interior units closed down 29 networks of trafficking and illegal migration in 2008, including ten networks of sexual exploitation (eight from Turkey and two from Cyprus), one network of organ harvesting (from Turkey), 17 networks that organized illegal migration, and one network of illegal transportation of children.

¶68. (SBU) The GOM carried out oversight on the lawfulness of orders (in 2007 and the first seven months of 2008) which refused the initiation of criminal proceedings, and terminating criminal proceedings. Refusal to initiate cases occurred in 54 cases, and termination occurred in 41 cases. No evaluation of the propriety of these actions has been provided.

¶69. (SBU) On June 20, 2008, the Chisinau Court of Appeals sentenced Alexandru Covali (alias Shalun) to 21 years imprisonment. Prosecutors successfully argued that from 2001 to 2006 Covali created a criminal organization which operated on the territory of Moldova, Romania, and Ukraine, orchestrating a broad network of human trafficking, trafficking in children and pimping. According to the prosecutors, the recruitment of the victims was carried out in Moldovan territory, mainly in Transnistria. Victims were transported to Chisinau, being sheltered in specially prepared houses and apartments. Covali remains in jail.

¶70. (SBU) On December 27, 2006, Moldovan citizen Ion Gusin was convicted of trafficking in persons and sentenced to 22 years in jail for his role as pimp and translator for a foreign sex tourist, U.S. citizen Anthony Bianchi. (See paras. 92, 131, and 139.) Gusin moved children around Moldova for abuse by this perpetrator. The case

is notable for the successful prosecution of a case of internal trafficking, and for the strong cooperation offered to the USG by the GOM.

¶71. (SBU) Ref A Question 25 F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

¶72. (SBU) The Police Academy has included a regular segment on trafficking in its curriculum developed in conjunction with the NGO La Strada. Members of the Supreme Court of Justice and the PGO participated in training sessions organized by OSCE that also included speakers from NGOs and our Embassy's Resident Legal Advisor office. The

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Ministry of Internal Affairs organized 32 seminars and training sessions on trafficking for its employees in 2008. In January 2008, the U.K. Embassy jointly with the National Academy of Justice of Moldova organized a training course for judges, prosecutors, investigators and NGOs on child trafficking and child pornography. In April 2008, CCTIP organized a seminar for employees of the MSP on prevention, combating and assistance to victims of human trafficking. In June 2008, EUBAM organized with CCTIP a seminar on combating trafficking in persons. Among the participants were representatives from Ministry of Internal Affairs, EUBAM, Border Guards Service and Intelligence Services from Moldova and Ukraine. Also, law enforcement officers from Hungary, Slovakia, Romania, as well as IOM representatives, were present. In September 2008, CCTIP hosted a working meeting with representatives of consular offices in the Republic of Moldova, at which consular officers learned about methods and techniques used by traffickers of human beings. In November 2008, CCTIP jointly with Spanish counterparts organized a seminar on combating human trafficking.

¶73. (SBU) The U.S. Embassy provided six training courses to officers of the Center for Combating Trafficking in persons in 2008:

--Interview and Source Development Training Course (January 21-25, 2008). The course increased the knowledge and skills of CCTIP officers in the area of modern interviewing methods, giving particular attention to interviewing TIP victims and vulnerable witnesses.

--Task/Strike Force Training (February 25Q28, 2008). The course trained CCTIP officers on task force operations, particularly as they apply to the fight against human trafficking.

--Public Relations/Media Training (April 7Q10, 2008). The session enhanced participants' ability to conduct effective news conferences and augmented writing and editing skills; it exposed the participants to challenges experienced when dealing with media representatives; and improved the channels of communication and cooperation between respective CCTIP agencies.

--Public Corruption Course (May 19Q23, 2008). The trainers trained participants to conduct investigations against public officials complicit in crimes of human trafficking, not only against

law enforcement entities (police, border guards, customs, prosecutors), but also against low- to senior-level public administration officials (from local to city and regional).

--Internet 2 Training (September 22Q26, 2008). The participants learned to turn large volumes of disparate data into actionable information by using Analyst's Notebook 7, the world's most powerful visual investigative analysis software.

--Legal Fundamentals of Combating Trafficking in Persons in the Republic of Moldova (December 1-3, 2008). The course presented to investigators and prosecutors the status of laws and regulations that govern investigation and prosecution process of counter-trafficking process and other associated crimes.

¶74. (SBU) IOM organized and supported 43 training sessions on prevention and combating of human trafficking in 2008: seven training courses on the National Referral System, with the participation of multidisciplinary teams; three training

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sessions for family doctors on organ harvesting; four training sessions for specialists in child protection; 24 training courses for border guards from Moldova, Romania and Ukraine and Moldovan police officers on identification of victims of trafficking; four training sessions in Transnistria for volunteers and social workers on prevention of human trafficking; and one training session for law enforcement representatives.

¶75. (SBU) In 2008, La Strada organized:

--11 debriefings on identification of TIP victims and new trends in human trafficking in 11 raions of Moldova for social assistants, law enforcement and teachers;

--three roundtable discussions for government officials and teachers on the National Referral System and prevention of human trafficking;

--one conference for government officials, civil society, international organizations and diplomatic missions. Among the topics addressed were: the development of the National Referral Mechanism in Ukraine, Moldova and Romania; and best practices of cooperation among state structures, civil society and international organizations regarding assistance and protection of victims of trafficking;

--six training courses organized in partnership with IOM, the European Border Assistance Mission (EUBAM), the National Institute of Justice, OSCE, PGO and CCTIP on victim assistance and protection.

¶76. (SBU) Ref A Question 25 G: Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

¶77. (SBU) Following the 2008 Action Plan on combating trafficking in persons and illegal migration of the GUAM Working Group (Georgia, Azerbaijan, Ukraine and Moldova), CCTIP participated in international operations with GUAM countries such as Perehvat II and Perehvat III during May 12Q16, 2008 and November 17Q21, 2008.

The operations identified and liquidated criminal networks dealing with human trafficking and illegal migration on the territory of GUAM countries.

¶78. (SBU) During 2008, EUBAM conducted two international operations (April 7-24, 2008, and August 26-September 12, 2008) to combat human trafficking and illegal migration with the participation of officers from the CCTIP. To enhance cooperation between Moldovan and Ukrainian law enforcement in fighting human trafficking, CCTIP and Moldovan Border Guards Service detached liaison officers to Odessa to ensure an efficient and timely exchange of information.

¶79. (SBU) The Government's investigation of trafficking is largely limited to low- and mid-level crimes. Although the law on operative investigators was amended in February of 2004 to expand investigators' ability to work undercover and to use advanced techniques such as electronic surveillance, investigators have not yet, as far as the GOM has reported to us, taken full advantage of this authority. Mitigated punishment for cooperating suspects is available to prosecutors under current Moldovan law, but the procedure is used largely to dispose of uncontested cases rather than as an investigative

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tool.

¶80. (SBU) Following the provisions of the Letter of Agreement on Narcotics Control and Law Enforcement signed in 2001 between the U.S. Government and the GOM, the U.S. Government has renovated the CCTIP, installing specially designed office furniture and modern computer hardware and software. The U.S. Embassy has developed a comprehensive training plan for CCTIP staff, which includes interview and interrogation techniques, task and strike force management, ethics and public corruption, information technology training, officer safety and survival, and crime scene management.

¶81. (SBU) Ref A Question 25 H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

¶82. (SBU) Persons who are charged with trafficking in other countries can be extradited only on the basis of an international treaty to which the Republic of Moldova is a party or on terms of reciprocity according to a judicial decision. Although such treaties do exist between Moldova and many countries, there have been no extraditions for trafficking cases. Citizens of the Republic of Moldova and persons who have been granted political asylum by the Republic of Moldova cannot be extradited from the country if they have committed the crime abroad but are subject to criminal liability in Moldova under the present code.

¶83. (SBU) Ref A Question 25 I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

¶84. (SBU) The GOM in summer 2008 gave details of several cases on which it promised follow-up. See paras. 142-144 for the latest update.

¶85. (SBU) Ref A Question 25 J. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

¶86. (SBU) On June 11, 2008, the Anticorruption Prosecutor's Office resumed the investigation of the alleged involvement of government officials (former CCTIP Director Bejan and other CCTIP officers) in trafficking. The prosecutors are attempting to elicit cooperation of individuals sentenced in the Covali case, who were suspected of possessing information concerning Bejan's alleged complicity. The prosecutors are also tracing the illegal assets originating from Covali's criminal actions in order to determine the nexus between Covali's trafficking activities and corruption of government officials. The

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resumption of this high-profile investigation was widely announced in the summer of 2008, via press conferences and website postings. During 2008, the PGO negotiated with the Superior Council of Magistrates to lift the immunity of two trial court judges and prosecute them. The magistrates are suspected of unreasonably downgrading the charges in two trafficking cases and imposing on the defendants (traffickers) penalties more lenient than prescribed by the law. See paras. 142-144 for further updates.

¶87. (SBU) Ref A Question 25 K. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

¶88. (U) Prostitution is not criminalized, but it is an administrative offense punished by 30 days' detention if practiced repeatedly. Clients are not punished. Pimping is criminalized and the law is enforced with penalties ranging from two to seven years of jail time. Traditionally, many cases that began as trafficking cases were eventually downgraded to pimping; lack of solid evidence and refusal of the victim to testify were often cited by prosecutors and investigators.

¶89. (SBU) Ref A Question 25 L. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad

as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

¶90. (SBU) No reports exist of Moldovan peacekeepers (demining contingents) in Iraq participating in such activities.

¶91. (SBU) Ref A Question 25 M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

¶92. (SBU) Of the 61 investigations launched by CCTIP under the trafficking in children statute, one high-profile case involved U.S. citizen Mark Anthony Bianchi and Moldovan citizen Ion Georghe Gusin. On the basis of this case, the CCTIP launched 17 criminal investigations under the child trafficking, violent acts of sexual nature, forced sexual relations, and perverse acts articles of the Criminal Code. The CCTIP worked jointly with U.S. officials in the investigation and prosecution of Bianchi, who was charged under a 2003 U.S. federal law that makes it illegal for Americans to commit sexual crimes against children

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in foreign countries. Eight of the victims from Moldova and four CCTIP officers traveled to Philadelphia in July 2007 to testify in a U.S. federal court, before an American jury, against Mr. Bianchi. Bianchi was convicted in 2007. On January 7, 2009, Judge Bruce Kaufman of the Eastern District Court denied Bianchi's appeal of his conviction. He has been incarcerated and awaiting sentencing since his arrest. According to a U.S. Immigration and Customs Enforcement press release, Bianchi faces 36 years of imprisonment, a mandatory minimum sentence of five years, five years supervised release, a \$3 million fine and a \$1,200 special assessment.

¶93. (SBU) Ref A Question 26 A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

¶94. (SBU) In September 2008 GOM enacted a new witness protection law, which included many provisions recommended by the U.S. Embassy. The law clearly distinguishes the activities pertinent to protection of witness and actions meant to assist victims of crimes. It also provides for the creation of a separate witness protection division under the Ministry of Interior. According to the law, the prosecutor leading the investigation is the ultimate decision-maker on whether to place witnesses under a protection program and whether to refer victims to special social and medical care facilities. In addition to a special Division on Witness Protection based on the law, the CCTIP has a special unit for

witness and victim protection and assistance. This unit protects and encourages victims to assist in the investigation and prosecution of trafficking cases. The main purpose of the unit, even though it has no separate premises yet, is to provide for physical and psychological protection. Simple measures include court security, access to police, police escorts, keeping the victims constantly informed of the status of the legal proceedings, access to counseling, and protection while participating in criminal procedures. In 2009, the unit plans to open a new office, renovated under a \$500,000 USG grant. The office will have specially furnished space (beds, showers) that will enable officers to offer victims confidentiality, secure housing and protection during their participation in legal proceedings. After the trial, the victims will be referred to a center operated by the MSP in order to get access to legal and social support services, including post-trial counseling, to address any trauma caused by testifying.

¶95. (SBU) Ref A Question 26 B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

¶96. (SBU) Moldova currently does not have active
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arrangements with other countries on the provision of temporary residence status for foreign-national victims of trafficking.

¶97. (SBU) In December 2006, the Rehabilitation Center of the IOM was transferred to government ownership and responsibility. The renamed Chisinau Assistance and Protection Center (CAPC) for TIP victims and potential victims is a state institution (established as of June 11, 2008) that is managed by the Ministry of Social Protection and Family and Child. The Center is supported by the State budget (512,000 lei, approximately USD 52,000, was allocated for the Center in 2008) and the IOM, according to the Cooperation Agreement concluded between IOM and the MSP. In 2009, the Center will receive 608,600 Lei from the State Budget and 500,000 Lei for the repatriation of TIP victims and children left without parental care abroad. The Center serves as the primary contact point in Moldova for repatriated victims, including children.

¶98. (SBU) Apart from the MSP's CAPC, there are ten maternal and youth centers providing such assistance. These centers are supported by local public authorities and NGOs. The IOM will cover their operating costs for the next seven years. Legal, medical, and psychological services are mainly provided by international organizations and

NGOs. The CAPC is the only comprehensive victim assistance facility in the country. Various ministries have cooperated with NGOs and international organizations to support assistance efforts. For example, the Ministry of Interior signed a Memorandum of Collaboration with the IOM to ensure that victims of trafficking repatriated through the IOM are not apprehended by border guards to be transferred to the Ministry of Internal Affairs for interrogation, but allowed to go straight to the IOM Rehabilitation Center. Maternal and youth centers were established with USAID support and offer long term (six months to a year) assistance services to victims of trafficking. The USAID-funded centers include psychological counseling, life skills, social and professional reintegration.

¶99. (SBU) Ref A Question 26 C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

¶100. (SBU) See paras. 97-98 above.

¶101. (SBU) Ref A Question 26 D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

¶102. (SBU) Post has no record of foreign trafficking victims being present or assisted in Moldova.

¶103. (SBU) Ref A Question 26 E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

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¶104. (SBU) See paras. 97 and 98 above.

¶105. (SBU) Ref A Question 26 F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

¶106. (SBU) In 2008, the National Referral System for Protection and Assistance of Victims and Potential Victims of Trafficking (NRS) began operating in 16 raions and two municipalities. In an effort to improve the legal framework and the institutionalization process of the NRS, the Parliament adopted on December 5, 2008, the Strategy and the Action Plan of the NRS on protection and assistance to TIP victims and potential TIP victims. The Strategy established cooperation between competent state institutions and national and international organizations that are engaged in prevention and combating human trafficking. The NRS has trained local specialists in skills such as direct contact with

the victims; their reintegration into the family and the society; and the prevention of stigma usually attributed to TIP victims in society. The multidisciplinary teams have been supplied with separate phone lines, internet access, computers, and stationary. Some were also provided with furniture, and some coordinators of multidisciplinary teams are attending computer courses.

¶107. (SBU) The Center of Assistance and Protection of TIP victims is the first contact point in Moldova for repatriated victims, including children, at which they receive temporary lodging and legal, medical, psychological, and social assistance. If there is a need for a special service for the beneficiaries, these persons are referred to NRS for assistance. During the first 11 months of 2008, 24 TIP victims and 34 potential TIP victims were referred by NRS. On March 27, 2008, the Ministry of Social Protection signed a Memorandum of Cooperation with UNDP, Ministry of Public Administration, IOM, and the NGO Association of Psychologists Tighina to establish a partnership in order to implement the UNDP/USG Project "Better Opportunities for Women." This project hopes to establish an eight-bed center and shelter in Transnistria for TIP victims.

¶108. (SBU) Ref A Question 26 G. What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

¶109. (SBU) In 2008, IOM Moldova provided assistance to 142 TIP victims. Out of the total IOM caseload, 26 TIP victims were referred through the National Referral System and received assistance from the local public authorities. The Chisinau Center for Assistance and Protection (CAPC) provided assistance to 135 TIP victims in ¶2008. The CAPC received state funding in 2008. During August through December 2008, 38 TIP victims received assistance at the CAPC. In 2008, CCTIP reported that 70 victims participated in criminal proceedings.

¶110. (SBU) Ref A Question 26 H. Do the government's law enforcement, immigration, and

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social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

¶111. (SBU) See paras. 106-107.

¶112. (SBU) Ref A Question 26 I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

¶113. (SBU) Most NGOs agree that the government's

treatment of victims continued to improve over the last few years and particularly in 2008, as seen in the coordinated efforts to assist victims overseas, bring them home safely, and rehabilitate them. The counter-trafficking law exempts victims from prosecution for illegal actions committed during the trafficking experience. Victims also are not fined for violations of immigration laws. Moreover, the new draft Code of Administrative Offences expressly provides that the persons engaged in practicing prostitution against their will shall be exempted from administrative liability.

¶114. (SBU) Ref A, Question 26 J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

¶115. (SBU) The government encouraged victims to assist in the investigation and prosecution of trafficking. Under Moldovan law, a victim can obtain restitution through criminal proceedings, but only if the victim requests it.

¶116. (SBU) Ref A Question 26 K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

¶117. (SBU) In addition to regular training sessions conducted by CCTIP during 2008 for its newly employed officers (at the CCTIP, at three regional subdivisions, and at raion police stations), the CCTIP organized:

--five courses on identification of TIP victims, interviewing techniques to be used when dealing with TIP victims, and eliciting their cooperation in the course of the investigation of TIP cases;

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--a seminar in April 2008 for employees of the MSP on prevention of, combating and assistance to victims of human trafficking.

¶118. (SBU) In 2008, the NRS supported local specialists, who attended a series of training courses conducted by the MSP. The participants learned about direct contact with the victims and their reintegration into the family and the society, and the prevention of any possible stigma usually attributed to TIP victims in society. In October, the MSP conducted an international conference on anti-trafficking "National Mechanisms of Referral for the Protection and

Assistance of Trafficking Victims--Theory and Practice."

¶119. (SBU) Ref A Question 26 L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

¶120. (SBU) See paras.57, 97, 98, and 107.

¶121. (SBU) Ref A Question 26M. Which international organizations or NGOs, if any, work with trafficking victims? What types of services do they provide? What sort of cooperation do they receive from local authorities?

¶122. (SBU) The International Organization for Migration (IOM) and the NGO La Strada are the principal organizations working with victims of trafficking. They provide relief, rehabilitation, and counseling. Several NGOs provide half-way houses, typically with six to ten beds, for victims of trafficking. Ref B describes positive reports from IOM and La Strada on the types and level of cooperation offered by the GOM.

¶123. (SBU) Ref A Question 27 A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g., "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

¶124. (SBU) The National Employment Agency of the Ministry of Economy and Trade continued to provide vocational training free of charge to at-risk persons and returned trafficking victims referred by IOM. It distributed information to potential victims about the job market and taught them how to prepare a resume, how to apply for a job, and how to handle a job interview, in addition to informing them about their rights and about job placement opportunities. In an effort to increase public awareness related to trafficking in human beings, CCTIP, with local and international NGOs and IOs, developed and conducted seminars for high students, teaching staff from schools and universities, priests, local authorities and local law enforcement officials.

¶125. (SBU) In 2008, the CCTIP organized and conducted 30 seminars on prevention of human trafficking in schools and universities of Moldova (State University of Moldova, State University Ion Creanga, Agrarian University, and Academy of Economic Studies). Also, CCTIP conducted a number of discussions with priests in an effort to raise the awareness about human trafficking among the

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population. In March 2008, the CCTIP jointly with the Ministry of Education conducted a round table discussion with the leading students from major universities and NGOs involved in prevention and combating human trafficking. The Ministry of Foreign Affairs and European Integration, Chamber of Licensing, CCTIP, IOM and other NGOs launched a campaign "Legal and Social Status of Youth". During this campaign, the students received comprehensive information about exchange programs,

Work & Travel opportunities, and challenges associated with these programs.

¶126. (SBU) In 2008, CCTIP hosted discussions of the problem of human trafficking in 27 interviews broadcast on radio and TV channels such as Moldoval, PRO TV, NIT, TV 21, TV7, and local media outlets. The CCTIP conducts press conferences on a monthly basis, reporting to NGOs and interested members of the public society the activity of the Center.

¶127. (SBU) In October, the MSP conducted an international conference on anti-trafficking "National Mechanisms of Referral for Protection and Assistance of Trafficking Victims--Theory and Practice." Representatives of the MSP participated at the monthly Technical Coordination Meetings on Combating Trafficking in Persons hosted by OSCE.

¶128. (SBU) Ref A Question 27 B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

¶129. (SBU) In 2004, Pasager, an automated system to monitor borders, was implemented with U.S. support, and is being used by the Border Guards Service to, among other things, combat trafficking in persons, by monitoring and recording information on individuals crossing the border. Passport scanners are used to detect counterfeit documents. Information introduced into the system using one of the three entry modules for road, air, and railway traffic is stored in a central database. At Chisinau airport, in cooperation with the Ministry of Information Development, the Border Service implemented real-time ID control for Moldovan citizens. In addition, the system has a mechanism for reviewing the most recent entry records and travel history of Moldovan citizens.

¶130. (SBU) Ref A Question 27 C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

¶131. (SBU) The National Referral Mechanism coordinates prosecution, protection and prevention of TIP. See para. 31. The government cooperated with other governments on investigation and prosecution of TIP cases. The results depended in part on the other country's response. Moldova is a member of SECI and SEEPAG, the prosecutors' corollary organization to SECI. On February 8, 2006, the government ratified an agreement with Turkey to combat trafficking as part of a broader effort to fight illegal drug trafficking, international terrorism, and other organized crime.

¶132. (SBU) On June 20, 2007, the government signed a bilateral agreement with Slovakia on combating organized crime. In 2007, the government began negotiations on bilateral agreements on combating TIP with and the UAE. At an April 26-27, 2007,

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meeting, senior law enforcement officials from Moldova, Romania, and Ukraine negotiated a trilateral agreement to establish a headquarters in Romania.

¶133. (SBU) Between 2005 and 2007, CCTIP, all Moldovan agencies collaborating in the CCTIP task force, the Embassy and the U.S. Immigration and Customs Enforcement, cooperated in a joint international criminal investigation of American citizen Anthony Mark Bianchi. Bianchi was charged under a 2003 federal law that makes it illegal for Americans to commit sexual crimes against children in foreign countries. The two-year investigation resulted in Bianchi's August 2007 conviction at the Federal Court in Philadelphia on all counts of sexual crimes against minors committed overseas. The crime included a TIP charge levied in Moldova against a local national who moved children to facilitate Bianchi's acts in Moldova.

¶134. (SBU) Parliament ratified:

- ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor in February 2002.
- ILO Convention 29 in October 1999; it entered into force in March 2001.
- ILO Convention 105 in March 1993.
- the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, on February 17, ¶2005.

¶135. (SBU) With U.S. Government support, the Government of Moldova established in January 2005 the multi-agency Center for Combating Trafficking in Persons (CCTIP), which includes the International Anti-trafficking Analytical Bureau, and the Victim/Witness Protection Program. CCTIP is a task force, drawn from numerous GOM ministries, of prosecutors, investigators, analysts and support personnel created to combat trafficking in persons. New offices were officially opened in April 2007. The U.S. Embassy installed specially designed office furniture, modern IT hardware, and computer software. CCTIP has a fully-equipped modern conference room, which is being used as training facility for many courses, seminars and international round table discussions.

¶136. (SBU) Ref A Question 27 D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

¶137. (SBU) On March 26, 2008, the third National Plan to Prevent and Combat Trafficking in Human Beings for 2008-2009 (National Plan) was passed by the government. Drafting of the national Plan was coordinated by the National Committee, with input from other GOM agencies and NGOs. The National Plan is designed to improve the legislative framework, create an implementing mechanism for existing and adopted laws, raise the awareness of the risks of being trafficked and illegal migration, decrease the vulnerability of children to being trafficked, ensure social assistance, extend international co-operation, increase the number of cases and convictions for human trafficking, offer recovery to the victims of trafficking, and ensure non-discriminatory treatment. As of 2008, local multi-disciplinary anti-trafficking committees have also been

established in all 32 districts of Moldova.

¶138. (SBU) Ref A Question 27 E: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

¶139. (SBU) The Government has not reported on measures taken to reduce the demand for commercial sex acts.

¶140. (SBU) Ref A Question 27F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

¶141. (SBU) See paras. 70, 92, and 133. The GOM gave exemplary, active, and full-time cooperation to the USG on the child sex tourism case of Anthony Bianchi. The assistance, which contributed materially to Bianchi's conviction, helped send a message to predators that Moldova was not a safe place for them.

¶142. (SBU) (Note: the following three paragraphs are an update, promised in para. 3 above, on the latest GOM efforts to investigate and prosecute crimes related to TIP and illegal migration. End note.) On January 30, 2009, prosecutors gave us follow up information on GOM pledges made in June 2008 to investigate complicity of GOM officials in trafficking. PGO officials investigating the complicity case of former CCTIP Deputy Director Ion Bejan are conducting extensive investigations of the records of Bejan and his co-workers in police offices, Ministry of Interior files (personnel records, operative files, and informants' reports), PGO and judicial reports, and other GOM offices which record citizen complaints. So far, they have found no evidence of Bejan's complicity in trafficking. In addition, convicted trafficker Alexandru Covali (see paras. 69 and 86), who originally implicated Bejan, has been shown to have lied about having access to his PGO file (allegedly Bejan had provided Covali access to Covali's file), and to have lied about turning over ownership of a car to Bejan's son. Since June 2008, Covali has refused to talk to or cooperate with GOM prosecution authorities regarding his alleged connections to the Bejan case.

¶143. (SBU) Prosecutors also gave us information on these other alleged complicity cases against government employees:

--On November 25, a mayor was condemned for organizing illegal migration and sentenced to five years in jail. The PGO appealed the sentence as too lenient. The former mayor is now in jail.

--The directors of two sports clubs, Armada and Camelot, who were convicted of organizing illegal migration, could not be convicted: the de jure "victims" (who were de facto beneficiaries of a scheme to get visas to the EU by means of falsified membership in the clubs) filed depositions, but had left Moldova before they were able to testify in the trials.

--Two employees of the GOM-private sector joint venture Gymnastic Federation forged documents to attest to membership of other persons in the federation. The head of the trampoline section admitted his guilt and was fined 2,000 Lei (\$190). The head of the rhythmic section, who also was accused of coaching visa applicants for interviews, is under prosecution at present.

(Note: this seems to be another case of illegal

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migration. End note.)

--An employee of the National Philharmonic was convicted of organizing illegal migration and fined 2,000 Lei. The judge accepted mitigating circumstances--that she had acted alone, and turned state witness against a travel company. The PGO has appealed the sentence as too lenient, and the appeals case is now pending.

--An employee of the Ministry of Information Development (which issues passports, birth certificates, and national identity cards) was convicted of illegally issuing documents, and fined 2,000 Lei. The PGO is appealing the sentence as too lenient.

¶144. (SBU) Prosecutors also reported on:

--a case-law initiative which indicts organizations as well as individuals, thus permitting the investigation of company assets and liquidation of companies used to organize illegal migration and trafficking.

--effecting the adjournment of cases of illegal migration when witnesses have gone overseas, in order to avoid acquittal.

--increased use of letters rogatory to foreign governments to pursue potential witnesses in trafficking and illegal-migration cases.

--fast-tracking of criminal procedures (primarily interviews and searches) in suspected trafficking cases, before witnesses leave the country or otherwise drop out of sight.

¶145. (U) Post's TIP point of contact is Michael Mates, 011 373 22 408486, email matesmj@state.gov. Post is unable to estimate the total number of hours of officer and FSN time devoted to answering the 40 paragraphs of questions in Ref A, whether indirectly (as part of officer and FSN participation in anti-TIP activities) or directly (in the collection of specific information for and drafting of this report), but notes that the effort involved significant input from officers and FSNs of the RSO, RLA, and P/E sections.

CHAUDHRY